

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ADAM APPEL, et al.	)	
	)	
Plaintiffs,	)	Case No.:4:05CV-772-SNL
	)	
THE CITY OF ST. LOUIS, et al.,	)	
	)	
Defendants.	)	

**CONDITIONAL MOTION FOR DETERMINATION UNDER RULE 54(b)**

On September 10, 2007, the Police Defendants filed an interlocutory appeal of the District Court's Order, dated August 15, 2007, in which Police Defendants were denied qualified immunity on Plaintiffs' federal claims under the First and Fourth Amendments and state law claims for false arrest, false imprisonment, and battery. The Plaintiffs hereby move the Court to enter final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, on its Order dated August 15, 2007, dismissing the City of St. Louis and John MacEnulty from this cause of action; granting Defendant MacEnulty qualified immunity; and denying Plaintiffs' claims of supervisory liability and governmental custom as to the City of St. Louis.

This Motion is conditioned upon this Court certifying as ready for immediate appeal that portion of the Court's Order described above, pursuant to 28 U.S.C. § 1292(b). If this Court does not grant certification, or if the Court of Appeals declines to hear an interlocutory appeal, Plaintiffs request that final judgment not be entered under Rule 54(b) on the Court's Order to dismiss certain Defendants, as described above.

Respectfully submitted,

**CAPES, SOKOL, GOODMAN &  
SARACHAN, P.C.**

By: /s/ Gary R. Sarachan  
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**CERTIFICATE OF SERVICE**

The undersigned certifies a copy of Conditional Motion for Determination Under Rule 54(b) were sent through the Courts electronic system this 27<sup>th</sup> day of September, 2007, to:

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